

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 109272.130)

In re Application of: Busby et al.

Art Unit: 1636

Appl. No.: 09/487,558

Examiner: Davis, K.

Filed: January 19, 2000

For: METHODS FOR IMPROVING
SECONDARY METABOLITE
PRODUCTION IN FUNGI

RESPONSE UNDER 35 U.S.C. § 121

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:


In response to the Office Action dated December 15, 2000 in which the Examiner indicated a Restriction Requirement in the captioned application, Applicants provide the following response. Also filed concurrently herewith is a Petition for a 2 month Extension of Time with the appropriate fee, thereby extending the date for response to March 15, 2001.

Applicants thank the Examiner for the March 13, 2001 telephone interview during which the parties agreed that Groups I and II may be properly combined into a single group for prosecution in the captioned application. As discussed with the Examiner, Applicants believe that the combination of Groups I and II is proper since both groups deal with improving the production of a secondary metabolite. Claims of Group I are directed to improving the production of a secondary metabolite by improving the yield of the secondary metabolite, and claims of Group II are directed to improving the production of a secondary metabolite by improving the productivity of the secondary metabolite. As detailed for the claims of Group II on page 23 of the specification, an improvement or increase in productivity is obtained by increasing the quotient for the equation: concentration metabolite/time*volume*gDCW. Thus, an improvement in the productivity of the secondary metabolite is one means of improving the yield of the secondary metabolite, and therefore, Groups I and II are properly combined for prosecution.

Applicants elect without traverse Groups I and II for prosecution. Applicants reserve the right to pursue the prosecution of non-elected groups without prejudice or disclaimer to the claims therein.

Respectfully submitted,
HALE AND DORR L.L.P.

Date: March 14, 2001


Robert McIsaac, Ph.D.
Reg. No. 46,918

Hale and Dorr LLP
60 State Street
Boston, MA
Tel. (617) 526-6000
Fax (617) 526-5000